

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Leon Smalls,)
Plaintiff,) C/A No. 0:08-cv-211-GRA
v.)
Commissioner of Social Security,) ORDER
Defendant.) (Written Opinion)

This matter is before the Court for a review of the magistrate's Report and Recommendation made in accordance with Local Rule 83.VII.02(A), D.S.C., issued on February 19, 2009. Plaintiff brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the final decision of the Commissioner, denying his claim for disability benefits and supplemental security income. The magistrate recommends affirming the decision of the Commissioner.

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which a specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may

also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). No objections to the magistrate's Report and Recommendation have been filed.

After a review of the magistrate's Report and Recommendation, this Court finds that the report is based upon the proper law and substantial evidence exists to support the findings. Accordingly, the Report and Recommendation is accepted and adopted by this Court.

IT IS THEREFORE ORDERED that the Commissioner's decision be AFFIRMED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
SENIOR UNITED STATES DISTRICT JUDGE

March 12, 2009
Anderson, South Carolina